

NEW SECTION

WAC 308-66-270 Vehicle industry organization--Definition.

The term "vehicle industry organization" means a dues-based business representing the interests of Washington state vehicle dealers that is licensed or registered to conduct business in Washington.

NEW SECTION

WAC 308-66-280 Course and education provider approval required. (1) Education providers must:

- (a) Meet the definition of a vehicle industry organization;
- (b) Submit a vehicle dealer course curriculum to the department for approval; and
- (c) Have the course approved by the department prior to the date the course is offered for education credit.

(2) The director or designee will approve, conditionally approve or disapprove the course content and the education provider based upon criteria established within this chapter. The department will notify the education provider, in writing, of the department's decision and determining factors.

(3) The approval of the education provider and the course will expire three years after the effective date of approval by the department. To renew for an additional three year period, the provider must submit course curriculum and materials as outlined in this chapter.

NEW SECTION

WAC 308-66-290 General requirements for course approval. (1)

The application for course approval must be submitted by an education provider that meets the definition of a vehicle industry organization.

(2) The course curriculum must provide for a minimum of either eight hours of initial classroom instruction or five hours of yearly update education, or both.

(3) The curriculum must include a comprehensive test, approved by the department, at the end of the initial eight hour instruction

which covers the minimum course curriculum elements.

(4) The minimum course curriculum elements are related to vehicle industry practices in the following areas:

- (a) Types of vehicle dealer licenses;
- (b) Completing the vehicle dealer application;
- (c) Regulatory agencies involved in the vehicle dealer industry;
- (d) Federal Trade Commission (FTC) regulations;
- (e) Unlawful vehicle dealer activities;
- (f) Motor vehicle advertising laws;
- (g) Vehicle titling and registration, and use of the electronic vehicle permitting system;
- (h) Vehicle warranties;
- (i) Standard industry forms;
- (j) Trust accounts;
- (k) Use of vehicle dealer plates;
- (l) Selling vehicles on consignment;
- (m) Vehicle financing.

(5) The development of the course curriculum and the test will be a collaborative effort subject to periodic review by both the department and the education provider.

(6) The education provider is responsible for ensuring the curriculum reflects accurate, complete and current information regarding federal and state laws, industry standards and best practices. Changes or updates must occur within thirty days after the effective date of a change in federal, state, or local statutes or rules.

(7) The education provider is responsible for furnishing students with the instruction materials for the approved courses.

(8) The education provider must issue a certificate to the student upon successful completion of the course.

NEW SECTION

WAC 308-66-300 Disciplinary action--Procedures--Investigation. (1) The department has the authority on its own initiative or upon complaint to investigate or audit any course to determine compliance with chapter 46.70 RCW and with the rules and regulations of this chapter.

(2) Complaints from students or citizens concerning approved courses must be made in writing to the department and contain the following information:

- (a) Complainant's name, address, and telephone number;
- (b) Education provider name, address, and telephone number;
- (c) Instructor name(s);
- (d) Nature of the complaint and pertinent information supporting the complaint;
- (e) An explanation of what efforts, if any, were taken to

resolve the problem with the education provider; and

(f) Copies of pertinent documents, publications, and advertisements.

NEW SECTION

WAC 308-66-310 Grounds for denial or withdrawal of education provider or course material. (1) Course or education provider approval may be denied or withdrawn if the education provider:

(a) Has had any disciplinary action taken against his or her license in this or any other jurisdiction;

(b) Falsified any student records or classroom hour certificates;

(c) Falsified any application or any other information required to be submitted to the department;

(d) Attempted in any manner to either impart to any student candidate, the content of or answer to any test question(s), or both;

(e) Violated any provision in chapter 46.70 RCW or the rules promulgated thereunder;

(f) Failed to cooperate with the department in any investigation or hearing;

(g) Has been convicted of a crime within the preceding ten years;

(h) Violated provisions of any local, state, or federal antidiscrimination law;

(i) Continued to teach or offer any vehicle industry subject matter whereby the interests of the public are endangered, after the director, by order in writing, stated objections to the continuing subject matter;

(j) Offered, sold, or awarded any classroom hours without requiring the student to successfully complete the hours for which the course was approved;

(k) Accepted registration fees but did not supply the service or failed to refund the fees, in accordance with the education provider's published refund policy, or both;

(l) Represented in any manner that the education provider is associated with a college or university unless it meets the standards and qualifications of, and has been approved by, the state agency having jurisdiction;

(m) Represented that an education provider is recommended or endorsed by the state of Washington or by the department, provided that a school authorized to provide education under this chapter may state: "This school is approved under chapter 46.70 RCW;"

(n) Advertised, published, printed, or distributed false or misleading information regarding the education provider or course material;

(o) Advertised the availability of credit in any manner

without affixing the educator name as approved by the department;
(p) Failed to teach a course consistent with the approved course content or curriculum;
(q) Failed to update curriculum for a change in statute or rules within thirty days of the effective date.
(2) The department also has the authority to withdraw a course approval or education provider approval if it was approved through the mistake or inadvertence of the director.

NEW SECTION

WAC 308-66-320 Hearing procedure. Upon notice of education provider or course denial, conditional approval, disapproval or withdrawal of course approval, the provider or proposed provider is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(1) The provider or proposed provider can exercise the right to a hearing under this section by requesting, in writing, a hearing within twenty days after receipt of notice.

(2) Appeal of the hearing outcome would be through a judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 308-66-330 Record retention. (1) Each education provider must:

(a) Maintain each student's record and each edition of any education related publication for a minimum of three years; and

(b) Provide a copy of a student's record to the student upon request.

(2) Student records must include:

(a) Full name, address, telephone number, and e-mail address (optional) of the student;

(b) Date of attendance and the date of registration agreement;

(c) Date the course was completed and the test results.